

**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.

Issuance Date: April 6, 2007

2006-2052-OHR

Stream:

Closing Date: May 6, 2007

Ohio River MP 402.5

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act.

APPLICANT: Ershigs, Incorporated
3105 State Route 52
Manchester, Ohio 45144

LOCATION: The proposed project is located along the right descending bank of the Ohio River, 402.5 miles downstream of Pittsburgh, PA near Manchester, Adams County, Ohio.

DESCRIPTION OF PROPOSED WORK: The applicant is requesting authorization for the installation of two sheet pile dolphins within the Ohio River in order to establish a new offloading facility at this location. The applicant operates an existing chimney liner fabrication facility within an upland area adjacent to the proposed project area. This type of chimney liner is used by the power industry for flue gas treatment (e.g. scrubbers). Currently, the manufactured chimney liners are transported to a nearby power plant using existing roadways.

The applicant proposes to establish the new offloading area in order to transport the chimney liners via barges to other existing power operations along the Ohio River. The chimney liners would be loaded onto an empty barge using a crane. The applicant proposes to construct a barge mooring area to accommodate a single barge. Construction of the mooring area for this single barge would include the installation of two sheet pile dolphins within the Ohio River. The applicant has indicated no additional barge fleetings would be required. The maximum river extension of the facility with a single-wide arrangement would be 200-ft from the normal pool shoreline. No initial or maintenance dredging is proposed. Plans of the proposal are attached to this notice.

HISTORIC & CULTURAL RESOURCES: Construction of the existing fabrication plant did not require authorization from this office. The undertaking is the construction of an offloading facility, including a new foundation pad for a crane and a new mooring area. The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the proposed project.

Prior to construction of the fabrication plant, cultural resource investigations were prepared by the property owner. The scope for these cultural resources encompassed and extended beyond the limits of the existing fabrication facility and included the upland areas that would be affected by the proposed offloading facility (the crane foundation pad). These surveys identified one archaeological site, Site 33-AD-57 and one architectural resource, ADA-558-12. The findings of the previous cultural resource surveys indicate Site 33-AD-57 and ADA-558-12 are eligible for listing on the National Register of Historic Places (NRHP). This existing fabrication plant was built on top of Site 33-AD-57. The proposed offloading area includes a portion of Site 33-Ad-57. The proposed offloading facility is also within the view shed of ADA-558-12.

Based on the nature of the project and the location of the known historic properties, this office has preliminarily determined the proposed project may adversely affect these historic properties. Comments concerning archaeological sensitivity of the project area should be based on collected data.

THREATENED & ENDANGERED SPECIES: This project is located within the known or historic range of the Indiana bat (E); running buffalo clover (E); sheepsnose mussel (C) and timber rattlesnake (PC). Implementation of the proposal would include the removal of less than 0.1-acre of riparian vegetation along the Ohio River. Based on the location of the site and the limited amount of tree clearing, this office has determined the proposed project will have no effect on the Indiana bat. Based on the location and conditions of the project area, our office has determined the proposed project is not likely to adversely affect running buffalo clover.

Implementation of the proposal would not impact habitat suitable for the timber rattlesnake; therefore, our office has determined implementation of the proposal would have no effect on this species.

The proposal would impact areas that may contain suitable habitat for the sheepnose mussel. The applicant has indicated a mussel survey has been conducted within the proposed project area. No threatened or endangered mussel species were identified within the area of the mussel survey. The mussel survey results also indicate this area does not currently support any recognizable assemblage of unionid mussels. Based on this information, this office has determined the proposed project may affect, but would not adversely affect the sheepnose mussel. This office has requested copies of the report documenting findings of the mussel survey. Once received, a copy of the report will be forwarded onto the U.S. Fish and Wildlife Service (USFWS) for review.

This public notice serves as a request to the USFWS for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST: Any person who has an interest, which may be adversely affected by the issuance of a permit, may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal.

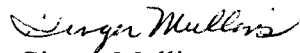
To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 2006-2052-OHR
502 8th Street
Huntington, West Virginia 25701-2070

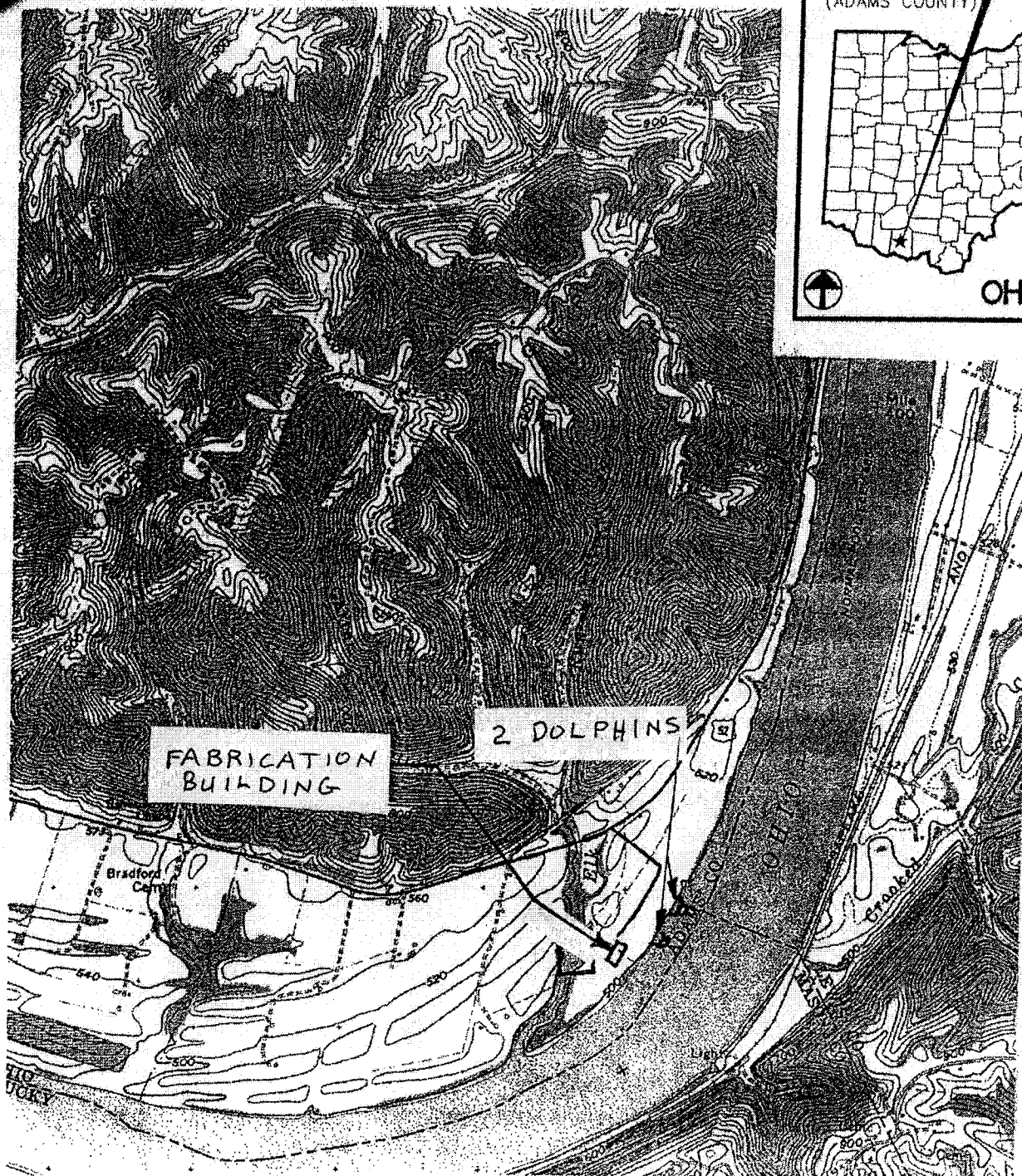
Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act.

Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Ms. Susan A. Fields of my staff at 304-399-5210.

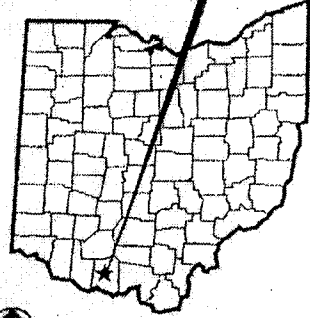


Ginger Mullins
Chief, Regulatory Branch

(O, K)



PROJECT LOCATION
(ADAMS COUNTY)



OHIO

FABRICATION
BUILDING

2 DOLPHINS

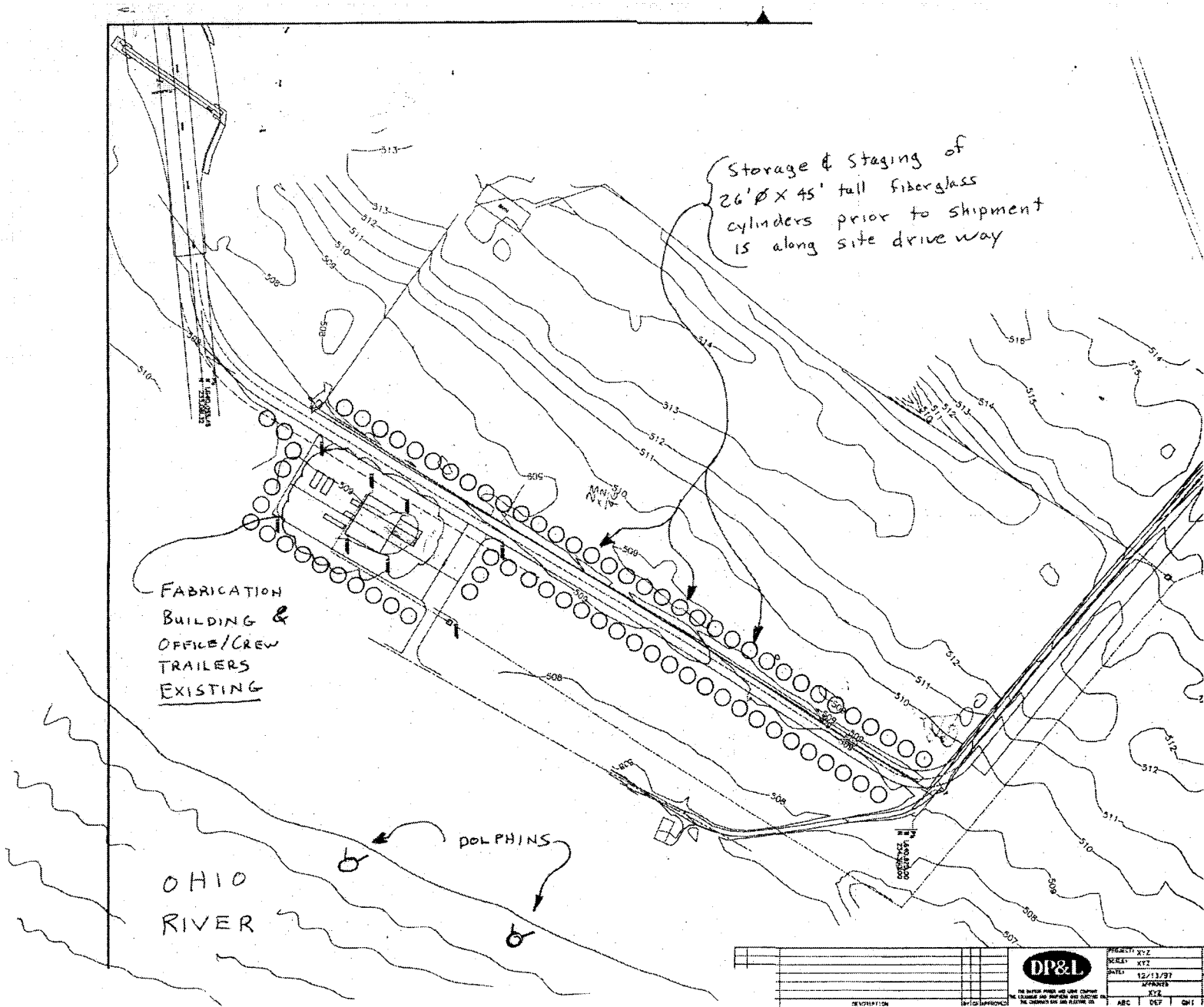
Bradford
Camp

d:\doytomp&\8608133\figures\fig1.dwg 12/17/99

0 2000'
SCALE 1" = 2000'
0 1 2 3CM
SCALE 1CM = 240M



Figure 1
Project Location
Map



BATTER PILE ANGLES MAY ADJUSTED TO FIT FIELD CONDITIONS

